

UNITED STATE DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

KENNETH ORNDORF,

Plaintiff,

v.

CATERPILLAR INC., a Delaware Corporation  
and DOES 1 through 50, inclusive,

Defendants.

Case No. 5:08-cv-01276-JW

**STIPULATION AND  
[PROPOSED] ORDER  
FOR DISMISSAL**

[FED. R. CIV. PROC. 41(A)(1)(ii) &  
(a)(2)]

Pursuant to Rule 41(a)(1)(ii) and (a)(2) of the Federal Rules of Civil Procedure, plaintiff Kenneth Orndorf and defendant Caterpillar Inc., by and through their respective attorneys of record, hereby stipulate that the above-captioned action in its entirety, including all claims asserted therein, is hereby dismissed *with prejudice*. Each party shall bear its own costs, expenses, and attorneys' fees.

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1 **IT IS SO STIPULATED.**

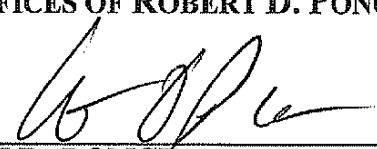
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3 **SEDGWICK, DETERT, MORAN & ARNOLD LLP**

4  
5 Dated: 2-17-09 By:

6   
7 **FREDERIC F. GRANNIS**  
8 Attorneys for Defendant  
9 **CATERPILLAR INC.**

10 **LAW OFFICES OF ROBERT D. PONCE**

11 Dated: 2/4/09 By:

12   
13 **ROBERT D. PONCE**  
14 Attorneys for Plaintiff  
15 **KENNETH ORNDORF**

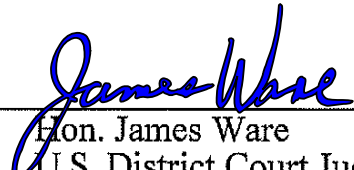
16 **ORDER**

17 Based upon the stipulation of the parties and for good cause appearing, it is  
18 ordered that the above-captioned action in its entirety, including all claims  
19 asserted therein, is dismissed *with prejudice*. Each party shall bear its own costs,  
20 expenses, and attorneys' fees.

21 **IT IS SO ORDERED.**

22 The Court terminates all pending deadlines, hearings and motions. The Clerk shall close this file.

23 DATED: February 20, 2009

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25 **Hon. James Ware**  
26 U.S. District Court Judge  
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